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ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3623

Gurpreet Ahlumalia et al.

Examiner: Akiba K. Robinson-Boyce

Serial No.: 09/542,413

Filed: April 4, 2000

For: **ONLINE SYSTEM AND METHOD OF REPORTING  
RELATED TO ORDERS FOR CONSUMER PRODUCT  
HAVING SPECIFIC CONFIGURATIONS**

Attorney Docket No.: FMC 1733 PUSP (81049969)

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

U.S. Patent & Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is an appeal brief from the final rejection of claims 1-41 in the final Office Action mailed September 16, 2005. Applicants filed a Notice of Appeal on November 11, 2005. This application was filed on April 4, 2000.

**I. REAL PARTY IN INTEREST**

The real party in interest is Ford Motor Company, a corporation organized and existing by virtue of the laws of the State of Delaware, and having a place of business at Dearborn, County of Wayne, and State of Michigan, as set forth in the assignment recorded in the United States Patent and Trademark Office on April 4, 2000 at Reel 010763, Frame 0542.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Name of Person Signing

Matthew M. Jakubowski  
Signature

## **II. RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## **III. STATUS OF CLAIMS**

Claims 1-41 are pending in this application. Claims 1-41 stand rejected and are the subject of this appeal.

## **IV. STATUS OF AMENDMENTS**

All amendments have been entered by the Examiner.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Three independent claims are subject to this appeal, claims 1, 14, and 29.

Claim 1 is drawn to an online system for generating reports related to manufactured consumer product online orders. Figure 33. The system includes at least one presentation application operable to capture user online session data including a presentation application identifier, session identifier, user data, user click stream data, and manufactured product configurations selected by the user, and generate a session report message incorporating the user online session data. p. 57, ll. 28-31. The system also includes a web server in communication with the presentation application and operable to receive the session report message. p. 58, ll. 18-32. Moreover, the system includes a report processor operable to receive the session report message, and storing the user online session data in a report database. p. 58, ll. 18-32. The report processor is operable to generate a report related to manufactured product online orders based on at least a portion of the information stored in the report database. p. 60, ll. 16-18.

Claim 14 is drawn to a method of processing and storing data associated with online orders for consumer manufactured products having particular manufactured product

configurations. Figure 33. The method includes capturing an online order containing at least one manufactured product identifier and at least one manufactured product configuration submitted by an online customer. p. 57, ll. 28-31. The method also includes capturing click stream data generated during an online session during which the online customer submitted the online order. p. 58, ll. 6-9. Furthermore, the method includes storing the online order and click stream data in a report database. p. 58, ll. 18-32. The method also includes generating a report related to consumer manufactured product online orders based on at least a portion of the information stored in the report database. p. 60, ll. 16-18.

Claim 29 is drawn to a method of reporting data associated with online orders for manufactured consumer products having particular product configuration. Figure 33. The method includes capturing a manufactured product configuration selected by an online customer. p. 57, ll. 28-31. The method also includes capturing an online order containing at least one manufactured product identifier and specifying the manufactured product configuration. p. 57, ll. 28-31. Moreover, the method includes capturing click stream data generated during an online session during which the online customer submitted the online order. p. 58, ll. 6-9. The method also includes storing the manufactured product configuration, online order and click stream data in a report database. p. 58, ll. 18-32. Furthermore, the method includes generating reports related to the manufactured product configuration, online order, and click stream data. p. 60, ll. 16-18.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1, 4, 5, 8, 14-18, 20, 29, 30, 31, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent No. 6,029,141 (Bezos).

Claims 3, 19 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Bezos in further view of U.S. Patent No. 5,778,182 (Cathey).

Claims 2, 6, 7, 9, 10, 22, 23, 27, 28, 36, 37, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Bezos in further view of U.S. Patent No. 6,377,993 (Brandt).

Claims 11, 26 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Bezos in further view of U.S. Patent No. 6,073,105 (Sutcliffe).

Claims 12, 13, 21, 24, 25, 35 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Bezos in further view of U.S. Patent No. 5,794,219 (Brown).

## VII. ARGUMENT

### A. Claims 1, 14, and 29 Are Patentable Under 35 U.S.C. § 103(a)

#### 1. The Requisite Motivation To Modify Bezos Does Not Exist

The Examiner must show a motivation to modify Bezos to provide the claimed invention. *In re Rouffet*, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). The motivation requirement prevents impermissible hindsight reconstruction. *Id.* Mere conclusory statements supporting the proposed modification, standing alone, are not “evidence” of motivation. *McElmurry v. Arkansas Power & Light Co.*, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993). Moreover, an Examiner cannot base an obviousness rejection on opinion alone:

. . . the Patent Office . . . may not, without some basis in logic or scientific principle, merely allege that such differences are either obvious or of no patentable significance and thereby force an appellant to prove conclusively that it is wrong.

*In re Soli*, 137 USPQ2d 797, 801 (CCPA 1963).

The Examiner states that Bezos discloses a system where customers order products from a website as disclosed in the Abstract. (Office Action, 3/23/05, page 3.) The Examiner opines that it would have been obvious to one of ordinary skill in the art to manufacture a product with the motivation of effectively producing something useful and marketable. *Id.* The Examiner goes on to state in the final Office Action mailed September 16, 2005:

[The Bezos] system also implements and [*sic*] electronic shopping cart that allows the customer to select products from multiple different Web sites, and then perform a single “check

out” from the merchant’s site as shown in the Abstract of Bezos, et al. These products selected by the customer through the Web site would not be available for selection or purchase via “check out” method if it had not been manufactured.

Page 14.

The Examiner opines that the motivation is “producing something useful and marketable,” and therefore, it would be obvious “to manufacture a product” and “these product . . . would not be available for selection if it had not been manufactured.” *Id.*, pages 3 and 14.

The Examiner does not use the motivation presented to modify the Bezos reference to provide the claimed invention. The “to manufacture a product” step is not recited in claims 1, 14 and 29. Rather, claim 1 recites “at least one presentation application operable to capture user online session data including . . . manufactured product configurations”. Claim 1 also recites “[a] report processor . . . operable to generate a report related to manufactured product online orders”. Claims 14 and 29 recite similar limitations (“capturing an online order containing at least one manufactured product identified and at least one manufactured product configuration submitted by an online user”); (capturing a manufactured product configuration by an online customer”). The Examiner’s cited motivation does not address at least the “manufactured product configuration” limitation of claims 1, 14 and 29, and is therefore improper. For at least this reason, Applicants respectfully request withdrawal of this rejection.

**2. Bezos Combined Or Modified With The Knowledge Of One Skilled In The Art Does Not Teach, Disclose Or Suggest The Claimed Invention**

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Further, the Bezos reference combined or modified with the knowledge of one skilled in the art (assuming this combination is proper) does not teach, disclose or suggest the claimed invention. The Examiner opines:

Bezos provides a web-based system for ordering books, that according to applicant, books are not manufactured products, and can not [*sic*] be configured. However, according to Merriam Webster's Collegiate Dictionary, the word manufacture is defined as "something made from raw materials by hand or by machinery", and a book fits into this definition since book factories do exist for constructing books using materials such as plastics, wood for paper, etc. In addition, Bezos et al discloses several configuration options where an associate is given commission credit for all additional products selected during a browsing session, or where the associate is only credited for the purchase of a product during a browsing session. In this case, the products are books, and the computer program for the web site where the book can be located can be configured to give credits for the purchase of products, which are in this case, books. In this case, each book has an ISBN, which represents the product id, and is used to locate and configure the computer program for locating the book through the web site.

Final Office Action 9/16/2005, pp. 14-15 (emphasis added.)

According to well-settled law, to establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). In doing so, "all words in a claim must be considered in judging the patentability of the claim against the prior art." *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Claim 1 recites "online session data including . . . manufactured product configurations". Claim 14 recited "capturing an online order containing at least one manufactured product identifier and at least one manufactured product configuration submitted by an online user." Claim 29 recited "capturing a manufactured product configuration by an online customer."

Bezos provides a web-based system for ordering books. Books cannot be configured. To the contrary, each book has its own unique identifier, referred to as an ISBN. The Examiner agrees by stating that "each book has an ISBN, which represents the product id". (Final Office Action, 9/16/05, p. 19.) Moreover, the Examiner, without citing to the

reference, states that Bezos discloses “several configurations options” concerning the crediting of associates and the use of the ISBN to “configure” the computer program for locating books. The Examiner has not presented a teaching, disclosure or suggestion of the claimed “manufactured product configuration”. To the contrary, the Examiner relies on the alleged ability to configure commission credits and the computer program. In either case, the book, assuming that it is a manufactured product, is not being configured. For at least this reason, the claims are patentable in light of the Bezos reference and the other art of record. Therefore, Applicants respectfully request withdrawal of this rejection.

On November 1, 2004, the Appellant authorized the payment of an Appeal Brief fee of \$340. According to MPEP § 1207.04, Appellant requests that this previously paid fee be applied to the new appeal. Appellant acknowledges that the Appeal Brief fee set forth in 37 C.F.R. § 41.20(b)(2) is currently \$500. Therefore, Appellant requests that the difference between the increased fee and the amount previously paid of \$140, as well as any additional fees or credits, be applied to Deposit Account No. 06-1510 (Ford Global Technologies, Inc.). A duplicate of this page is enclosed for this purpose.

Respectfully submitted,

**GURPREET AHLUMALIA ET AL.**

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Enclosure - Appendices  
- Duplicate page for Deposit Account



## **VIII. CLAIMS APPENDIX**

1. An online system for generating reports related to manufactured consumer product online orders, comprising:

at least one presentation application operable to capture user online session data including a presentation application identifier, session identifier, user data, user click stream data, and manufactured product configurations selected by the user, and generate a session report message incorporating the user online session data;

a web server in communication with the presentation application and operable to receive the session report message; and

a report processor operable to receive the session report message, and storing the user online session data in a report database; wherein the report processor is operable to generate a report related to manufactured product online orders, based on at least a portion of the information stored in the report database.

2. The system, as set forth in claim 1, wherein the session report message further comprises manufactured product identifiers having the user-selected manufactured product configuration in-inventory and in-process identified in a user-initiated online search.

3. The system, as set forth in claim 1, wherein the session report message further comprises session start date and time, session end date and time, and entry and exit web pages.

4. The system, as set forth in claim 1, wherein the session report message further comprises a user identifier.

5. The system, as set forth in claim 1, wherein the session report message further comprises a configuration identifier assigned to each user-selected manufactured product configuration.

6. The system, as set forth in claim 1, wherein the report processor comprises a report log utility operable to receive the session report message and cleanse the session data therein.

7. The system, as set forth in claim 6, wherein the report processor further comprises a data collector operable to receive the cleansed session data from the report log utility and storing the session data in the report database.

8. The system, as set forth in claim 1, further comprising a workflow manager operable to receive order messages related to the placement of online orders for the manufactured products, and to route a copy of the order messages to the web server for processing by the report processor and storage in the report database.

9. The system, as set forth in claim 1, further comprising a workflow manager operable to receive lead messages related to leads for contacting customers about the manufactured products, and to route a copy of the lead messages to the web server for processing by the report processor and storage in the report database.

10. The system, as set forth in claim 1, further comprising a workflow manager operable to receive status messages related to the status of online orders, and route a copy of the status messages to the web server for processing by the report processor and storage in the report database.

11. The system, as set forth in claim 1, further comprising credit messages generated by a credit processor containing customer credit and financing information being processed by the report processor and stored in the report database.

12. The system, as set forth in claim 1, further comprising dealer messages containing participating dealership information being processed by the report processor and stored in the report database.

13. The system, as set forth in claim 1, wherein the manufactured products are automotive vehicles.

14. A method of processing and storing data associated with online orders for consumer manufactured products having particular manufactured product configurations, comprising:

capturing an online order containing at least one manufactured product identifier and at least one manufactured product configuration submitted by an online customer;

capturing click stream data generated during an online session during which the online customer submitted the online order;

storing the online order and click stream data in a report database; and

generating a report related to consumer manufactured product online orders based on at least a portion of the information stored in the report database.

15. The method, as set forth in claim 14, further comprising:

generating an order message incorporating the at least one manufactured product identifier and the at least one product configuration; and

sending the order message to a report processor for processing.

16. The method, as set forth in claim 14, further comprising:  
generating a session data message incorporating the click stream data; and  
sending the order message to a report processor for processing.

17. The method, as set forth in claim 14, wherein capturing the click stream data comprises:  
capturing a session identifier; and  
capturing a customer identifier.

18. The method, as set forth in claim 14, wherein capturing the click stream data comprises:  
capturing click stream data associated with user input to select a manufactured product configuration; and  
generating and capturing a configuration identifier for each user-selected manufactured product configuration.

19. The method, as set forth in claim 14, wherein capturing the click stream data comprises:  
capturing an online session starting point; and  
capturing an online session ending point.

20. The method, as set forth in claim 14, wherein capturing the online order comprises:  
capturing an online order number;  
capturing a session identifier during which the online order was placed by the customer;

capturing a configuration identifier of the manufactured product configuration;  
and  
capturing a manufactured product identifier.

21. The method, as set forth in claim 14, wherein capturing the online order comprises:

capturing order information;  
capturing order status; and  
capturing dealer action needed.

22. The method, as set forth in claim 14, further comprising:  
extracting the session data from the session data message; and  
cleansing the session data.

23. The method, as set forth in claim 14, further comprising:  
receiving an online contact lead message containing customer data;  
extracting the customer data; and  
storing the customer data in the report database.

24. The method, as set forth in claim 14, further comprising:  
capturing participating dealer information;  
generating a dealer message containing the participating dealer information; and  
storing the participating dealer information in the report database.

25. The method, as set forth in claim 24, further comprising generating a dealer  
report.

26. The method, as set forth in claim 14, further comprising:  
capturing customer credit and financing information;  
generating a customer credit message containing the customer credit and financing information; and  
storing the customer credit and financing information in the report database.

27. The method, as set forth in claim 14, further comprising generating a report on metrics related to the online orders.

28. The method, as set forth in claim 14, further comprising generating a report on metrics related to the click stream data.

29. A method of reporting data associated with online orders for manufactured consumer products having particular product configuration, comprising:  
capturing a manufactured product configuration selected by an online customer;  
capturing an online order containing at least one manufactured product identifier and specifying the manufactured product configuration;  
capturing click stream data generated during an online session during which the online customer submitted the online order;  
storing the manufactured product configuration, online order and click stream data in a report database; and  
generating reports related to the manufactured product configuration, online order, and click stream data.

30. The method, as set forth in claim 29, further comprising:  
generating an order message incorporating the manufactured product identifier and the manufactured product configuration; and  
sending the order message to a report processor for processing.

31. The method, as set forth in claim 29, further comprising:  
generating a session data message incorporating the click stream data; and  
sending the order message to a report processor for processing.

32. The method, as set forth in claim 29, wherein capturing the click stream data comprises:

- capturing a session identifier;
- capturing a customer identifier;
- capturing an online entry point for the session; and
- capturing an online end point for the session.

33. The method, as set forth in claim 29, wherein capturing the click stream data comprises:

- capturing click stream data associated with user input to select a manufactured product configuration; and
- generating and capturing a configuration identifier for each user-selected manufactured product configuration.

34. The method, as set forth in claim 29, wherein capturing the online order comprises:

- capturing an online order number;
- capturing a session identifier during which the online order was placed by the customer;
- capturing a configuration identifier of the manufactured product configuration;
- and
- capturing a manufactured product identifier.

35. The method, as set forth in claim 29, wherein capturing the online order comprises:

- capturing order information;
- capturing order status; and
- capturing dealer action needed.

36. The method, as set forth in claim 29, further comprising:  
extracting the session data from the session data message; and  
cleansing the session data.

37. The method, as set forth in claim 29, further comprising:  
receiving an online contact lead message containing customer data;  
extracting the customer data; and  
storing the customer data in the report database.

38. The method, as set forth in claim 29, further comprising:  
capturing participating dealer information;  
generating a dealer message containing the participating dealer information; and  
storing the participating dealer information in the report database.

39. The method, as set forth in claim 29, further comprising:  
capturing customer credit and financing information;  
generating a customer credit message containing the customer credit and  
financing information; and  
storing the customer credit and financing information in the report database.

40. The method, as set forth in claim 29, further comprising generating a  
metric report related to the online orders.



41. The method, as set forth in claim 29, further comprising generating a metric report related to the click stream data.

**IX. EVIDENCE APPENDIX**

None.

**X. RELATED PROCEEDINGS APPENDIX**

None.